

**FLOOR SCHEDULE FOR WEDNESDAY, JANUARY 6, 2016**

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
<b>10:00 a.m.: Morning Hour</b> <b>12:00 p.m.: Legislative Business</b>  <b>Fifteen "One Minutes"</b>	<b>2:30 – 3:30 p.m.</b>	<b>4:30 – 5:30 p.m.</b>

**H.Res. 580** – Rule providing for consideration of both **H.R. 1155 – SCRUB Act of 2015 (Rep. Smith (MO) – Judiciary/Oversight and Government Reform)** and **H.R. 712** – **Sunshine for Regulatory Decrees and Settlements Act of 2015 (Rep. Collins (GA) – Judiciary) (One hour of debate)**. The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For H.R. 1155, the Rules Committee has recommended a structured Rule that provides for one hour of general debate, with 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary and 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows for 11 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 712, the Rules Committee has recommended a structured Rule that provides for one hour of general debate, with 40 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary and 20 minutes controlled by the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows for 7 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee also rejected a motion by Ms. Slaughter of New York to consider both H.R. 1155 and H.R. 712 under open Rules. **Members are urged to VOTE NO.**

**H.Res. 579** – Rule providing for consideration of **Senate Amendment to H.R. 3762 – Restoring Americans’ Healthcare Freedom Reconciliation Act of 2015 (Rep. Price (GA) – Budget) (One hour of debate)**. The Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Budget or their respective designees. The Rule waives all points of order against the Senate Amendment.

The Rules Committee also rejected a motion by Ms. Slaughter of New York to strike section 2 of the Rule which would extend the unrestricted authority for the Committees on Energy and Commerce, Financial Services, Science and Technology, and Ways and Means to conduct staff depositions whenever they see fit, including behind closed doors, during the Second Session of the 114<sup>th</sup> Congress. Prior to the First Session of the 114<sup>th</sup> Congress, no Committee other than the Committee on Oversight has ever been given such broad deposition authority. **Members are urged to VOTE NO.**

**Senate Amendment to H.R. 3762 – Restoring Americans’ Healthcare Freedom Reconciliation Act of 2015 (Rep. Price (GA) – Budget) (Subject to a Rule) (One hour of debate)**. This bill proposes to push millions of Americans out of their health insurance coverage, destabilize the health care sector, and create massive uncertainty for employers and the broader economy – all while worsening the deficit outlook over the long term.

In the Republicans’ Fiscal Year 2016 Budget Resolution, the House Ways and Means, Energy and Commerce, and Education and Workforce Committees all received “reconciliation” instructions to each achieve \$1 billion in deficit reduction over the next ten years. After the committees provided reconciliation recommendations that would repeal certain portions of the Affordable Care Act (ACA), the Budget Committee packaged them together into the GOP Reconciliation Bill, H.R. 3762, and it passed the House with near unanimous Democratic opposition on October 23, 2015.

The reconciliation process allowed for the Senate to consider the bill under expedited procedures, which included bypassing the 60 vote threshold, and thus requiring only a simple majority for passage. In order to conform to the limits on what a reconciliation bill can do, Senate Republicans amended the package. On December 3, 2015, the Senate passed that amended version of H.R. 3762 with unanimous Democratic opposition by a vote of 52-47.

The Senate amendment makes a number of changes and additions to the House-passed bill, effectively broadening the repeal of the Affordable Care Act (ACA) provisions. Like the House version of the GOP Reconciliation Bill, the Senate substitute repeals the Affordable Care Act's medical device tax and the "Cadillac tax" on high-cost health plans and ends the Prevention and Public Health Fund. The bill also eliminates funding to Planned Parenthood for one year, consistent with the House version.

While the House version fully repeals the individual and employer coverage mandates included in the Affordable Care Act, the Senate substitute instead reduces penalties for noncompliance with these requirements to zero. The Senate added this provision because outright repeal would have triggered a "Byrd Rule" point of order in the Senate, effectively disqualifying the package from reconciliation's expedited procedures. The Senate version also eliminates the Affordable Care Act's premium tax credits and cost-sharing subsidies for those with modest incomes, repeals a tax credit available to small businesses for the purchase of employer-sponsored insurance, and ends the law's Medicaid expansion, effective 2018. The nonpartisan Congressional Budget Office (CBO) estimates that these changes would increase the number of uninsured by 22 million. CBO has also found that repeal of the individual mandate would increase health insurance premiums by approximately 20 percent.

In addition to the draconian cuts in the House version, the Senate version ends certain ACA funding to territories effective 2018 and sunsets a transitional reinsurance program to address uncertainty in pricing plans in the initial years following the launch of the health insurance marketplace plans. Additions to the GOP Reconciliation Bill made in the Senate also include the repeal of numerous other revenue policies included in the Affordable Care Act, such as a tax on tanning bed services and an annual fee on health insurers, resulting in \$1.1 trillion less revenue over the next ten years according to CBO.

This GOP Reconciliation Bill is not a serious proposal. Consideration of the Senate bill marks the 62nd time that Republicans will have voted to repeal, defund or undermine the Affordable Care Act, while also attacking women's health providers such as Planned Parenthood. Despite the Supreme Court's upholding of the law's constitutionality, the reelection of President Obama, and former Speaker John Boehner's declaration that "Obamacare is the law of the land," Republicans refuse to stop wasting time and taxpayer money on their efforts to take away the patient protections and benefits of the Affordable Care Act.

Democrats agree on the need to take serious action to reduce the deficit. This GOP Reconciliation Bill does the opposite. CBO projects that "On balance, the effect of the legislation on deficits becomes increasingly negative over time." It is another attempt to defund or restrict access to Planned Parenthood and repeal or undermine the Affordable Care Act, while making our long-term deficit problems worse, not better. The country needs a balanced deficit reduction plan that calls on all Americans to pay their fair share. This bill is yet another example of Republicans bringing a partisan bill to the Floor that has no chance of becoming law. At this critical time for our nation, Republicans continue to pursue their extreme partisan agenda.

A summary of the Senate amendment to the GOP Reconciliation Bill prepared by the Budget Committee can be found [here](#).

Lastly, the White House has issued a Statement of Administration Policy stating that if the President were presented with H.R. 3762, as amended by the Senate, he would veto the bill. **Members are urged to VOTE NO.**

**Begin Consideration of [H.R. 1155](#) – SCRUB Act of 2015 (Rep. Smith (MO) – Judiciary/Oversight and Government Reform) (Subject to a Rule) (One hour of debate).** This bill would establish an un-elected, nine-member commission to review existing federal rules and regulations and identify those they determine should be repealed on the faulty premises that regulations have an adverse impact on economic growth, job creation, and innovation. In fact, H.R. 1155 would make it easier to roll back existing regulations and make it harder for every department and agency in the federal government to issue new ones. The unelected commission would have the power to issue subpoenas "requiring the attendance and testimony of witnesses and the production of any evidence relating to the duties of the commission." This broad, unspecified authority will give an unelected panel more power than Inspectors General, while having no oversight or accountability, all at the expense of taxpayers.

In addition, Members of Congress would be unable to debate and vote on each rule recommended for immediate repeal by the committee, and instead would be forced to vote on rule repeals as a package. Any recommended repeal that is approved by Congress would result in the specified agency having to rescind the covered rules within sixty days. H.R. 1155 would essentially take the power away from elected representatives and Members of Congress, and give the power to an unelected appointed panel.

Further, H.R. 1155 would create a "regulatory cut-go" procedure not dependent on congressional approval that would require any agency issuing a new regulation to repeal an existing regulation of greater or equal value within its jurisdiction that the commission has determined should be abolished. Under "regulatory cut-go," all regulations recommended by the Commission for repeal would be placed into an inventory of regulations which the agencies would be required to repeal over time through a "cut-go" process as agencies promulgate new regulations. The costs of each new agency regulation must be offset by cost-reductions associated with the repeal of regulations in the inventory of regulations, until each agency completes the repeals of its own regulations specified in the inventory. Simply put, no federal agency could issue a new rule, however justified or in the public's immediate interest, unless it cut an existing one that imposes equal "costs" on the economy

This bill would give enormous power to an appointed committee with virtually no oversight or regulations, while tying the hands of agencies that are knowledgeable and have extensive experience in particular areas. It would put the American people at risk, while wasting their tax dollars.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill.

The Rule makes in order 11 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

**Reps. Foxx/Messer Amendment.** Adds consideration of unfunded mandates to the Commission's review of rules.

**Rep. Schweikert Amendment.** Adds a new subsection (I) under 101(h)(2) requiring the commission to consider rules that are limiting or prohibiting government agencies from adopting technology to improve efficiency and effectiveness.

**Rep. Walberg Amendment.** Directs the Commission to highlight the role regulations have on wage stagnation and income inequality by examining the negative impact of regulations on wages, including wages for minimum wage and part-time workers.

**Rep. Johnson (GA) Amendment.** Strikes title II of the bill, eliminating the legislation's regulatory "cut-go" process, which requires that agencies eliminate rules identified by the Regulatory Retrospective Review Commission prior to issuing a new rule.

**Reps. Cummings/Connolly Amendment #5.** Strikes Title IV of the bill, which provides for judicial review of agency compliance with certain requirements of the bill, including regulatory cut-go procedures. The judicial review provisions would give opponents of rules the opportunity to delay regulations by tying them up in court.

**Reps. Cummings/Connolly Amendment #6.** Exempts independent establishments from the requirements of the bill. The bill would jeopardize the independence of agencies like the CFPB and CPSC by requiring them to obtain certification of cost estimates by the Office of Information and Regulatory Affairs. The amendment would protect them from undue political influence.

**Rep. Cicilline Amendment.** Exempts rules made by the Secretary of Veterans Affairs from the additional provisions of the legislation.

**Rep. DelBene Amendment.** Creates an exemption from regulatory "cut-go" requirements in the case of an emergency.

**Rep. Jackson-Lee Amendment.** Provides that the term "rule" has the meaning given in section 551 of title 5, United States Code, except for a special rule as made by the Secretary of Homeland Security.

**Rep. Pocan Amendment.** Exempts from the bill rules put forth by the FDA for the purposes of consumer safety.

**Reps. Murphy/Carney/Peters Amendment.** Establishes an independent advisory committee to review certain regulations, and for other purposes. The amendment would establish an advisory committee with power similar to the Commission in the base bill for one year.

## ***Bill Text for H.R. 1155:***

[PDF Version](#)

## ***Background for H.R. 1155:***

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

## **TOMORROW'S OUTLOOK**

The GOP Leadership has announced the following schedule for Thursday, January 7: The House will meet at 12:00 p.m. for legislative business. The House is expected to consider H.R. 712 – Sunshine for Regulatory Decrees and Settlements Act of 2015 (Rep. Collins (GA) – Judiciary). The House is also expected to complete consideration of H.R. 1155 – SCRUB Act of 2015 (Rep. Smith (MO) –



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## The Daily Quote

"Despite [House Speaker Paul] Ryan's [R-WI] vision for 2016, there's little appetite among Senate Republicans to take on an aggressive agenda this year ... Senate Minority Leader Mitch McConnell (R-KY) tamped down expectations for a year of votes on bold Republican policy proposals in an interview with the Washington Post last month. 'I'd be surprised,' he said. That leaves Ryan in a potentially difficult position of having to convince his House members to be satisfied with moving legislation that may not be taken up by the Senate and has very little chance of ever becoming law this year."

- Washington Post, 1/4/2016